UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

XEROX CORPORATION,)	
Plaintiff,)	
v.)	No. 06-0434
LARRY O'DOWD individually, and)	JUDGE ECHOLS
in his capacity as President and)	
CEO of DIGITAL DOCUMENT)	
SYSTEMS, INC., and DIGITAL)	
DOCUMENT SYSTEMS, INC.,)	
)	
Defendants.)	

ORDER

On February 19, 2008, the day set for trial, the Court held a hearing on the parties' Joint Motion For Entry Of Agreed Final Judgment of Permanent Injunction And Other Relief (Docket Entry No. 247). Counsel for Plaintiff Xerox Corporation was present at the hearing, but *pro se* Defendant Larry O'Dowd was not present, nor was any representative of Digital Document Systems, Inc. The Court made some suggestions to Xerox's counsel concerning the proposed Agreed Final Judgment Of Permanent Injunction And Other Relief submitted to the Court for approval, and requested that the parties submit an Amended Agreed Final Judgment incorporating the Court's suggestions, which included attaching an agreed customer list to which the injunction applies, providing for a sworn statement of compliance within 10 days by Defendant O'Dowd, and Defendant O'Dowd's agreement to pay a specific amount of Xerox's discretionary costs.

On February 22, 2008, counsel for Xerox filed an Amended Joint Motion For Entry Of Agreed Final Judgment of Permanent Injunction And Other Relief (Docket Entry No. 250). Counsel

for Xerox represents that the Amended Joint Motion is submitted on behalf of both parties by agreement, although Mr. O'Dowd did not sign the Amended Joint Motion. The Amended Joint Motion addresses three of the four suggestions the Court made at the February 19 hearing. Because of misunderstanding or oversight, counsel for Xerox did not submit for the Court's approval and signature an Amended Agreed Final Judgment Of Permanent Injunction And Other Relief signed by both parties as the Court contemplated.

The Court cannot approve and sign the original Agreed Final Judgment Of Permanent Injunction And Other Relief submitted by the parties because it does not incorporate the changes stated only in the Amended Joint Motion. Accordingly, the Court hereby DIRECTS counsel for Xerox to file with the Court within 10 days an Amended Agreed Final Judgment Of Permanent Injunction And Other Relief, signed by both parties, which includes the original provisions of the parties' agreement as well as the modifications to which the parties agree as stated in the Amended Joint Motion, along with any relevant exhibits, such as the agreed customer list to which the injunction applies.

IT IS SO ORDERED.

ROBERT L. ECHOLS

UNITED STATES DISTRICT JUDGE

¹The Amended Joint Motion does not address the Court's suggestion that Mr. O'Dowd file with the Court an affirmative statement of his compliance with paragraph 1.D., as well as paragraph 1.C., of the Agreed Final Judgment Of Permanent Injunction And Other Relief.